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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,632	08/05/2003	Hideya Miura	D-1488	6376

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EXAMINER

HOOK, JAMES F

ART UNIT PAPER NUMBER

3754

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,632	MIURA, HIDEYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	James F. Hook	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8-5-03</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Allie.

The patent to Allie discloses the recited sealing plug for a hole 40 in a panel 42 comprising a flange 16 contacting a periphery around the hole, a cylindrical body 12 extending from the flange, a straight portion 22, a step portion 26 opposite the straight portion, where inherently as the plug passes through the hole it would be at an incline same as applicants structure which is met by Allie, a neck portion 24 between the step and flange portions having a diameter substantially the same as the inner hole diameter, the step portion has an inclined lower surface near 30, a plurality of step members 26 are also disclosed.

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Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Wellen (695). The patent to Wellen discloses the recited sealing plug for a hole where the use of such in a panel hole is merely intended use comprising a flange 12 contacting a periphery around the hole, a cylindrical body 14 extending from the flange, a straight portion 16 a step portion 26 opposite the straight portion, where inherently as the plug passes through the hole it would be at an incline same as applicants structure which is met by Wellen, a neck portion 28 between the step and flange portions having a diameter substantially the same as the inner hole diameter, the step portion has an inclined lower surface near 28, a plurality of step members 18,24 are also disclosed.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Murata. The patent to Murata discloses the recited sealing plug 80 (see fig 18) for a hole in a panel 20 comprising a flange contacting a periphery around the hole, a cylindrical body extending from the flange, a straight portion, a step portion opposite the straight portion, where inherently as the plug passes through the hole it would be at an incline same as applicants structure which is met by Murata, a neck portion between the step and flange portions having a diameter substantially the same as the inner hole diameter, the step portion has an inclined lower surface near, a plurality of step members are also disclosed, where the inclined portion can be seen in the figure to extend about half of the cylindrical body.

***Claim Rejections - 35 USC § 103***

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 62-29400 (JP400) in view of Allie. The JP400 reference discloses the recited plug for a

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hole in a panel 3 comprising a flange 13 contacting a periphery around the hole, a cylindrical body 12 extending from the flange, a step portion on body 12, a neck portion at 14 between the step and flange portions having a diameter substantially the same as the inner hole diameter, the step portion has an inclined lower surface near 12, a depression 18 and a boss in the center 15. The reference JP400 discloses all of the recited structure with the exception of forming a plurality of step members and having one opposite a straight portion. Allie discloses the structure set forth above and it would have been obvious to modify the plug to have a plurality of step members and a straight portion to allow for easier insertion of the plug into the hole as suggested by Allie thereby saving installation costs..

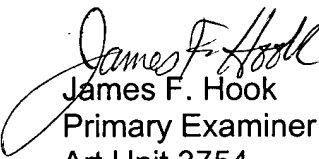
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Yoneyama, Kraus (642, 809, and 737), Wellen (694), and Pohar disclosing state of the art plugs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James F. Hook  
Primary Examiner  
Art Unit 3754

JFH